

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

FINANCIAL OVERSIGHT AND
ADMINISTRATION BOARD FOR
PUERTO RICO,

As a representative of the

COMMONWEALTH OF PUERTO RICO *et*
al.,

Debtors.

PROMESA

Title III

Number 17BK 3283-LTS

(Jointly administered)

**RESPONSE TO THE FOUR HUNDRED SEVENTY-SEVENTH OMNIBUS OBJECTION
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND THE
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO TO ACEVEDO SEPÚLVEDA LITIGATION
CLAIMS**

To the Honorable United States Court Judge Laura Taylor Swain:

The group of plaintiffs under the case Maggie Acevedo Sepúlveda et al. V. Department of Health of Puerto Rico, before the Public Service Appellate Commission (CASP), under number 2000-06-1639, Case before the Supreme Court of Puerto Rico CC-2012-1050, file this reply to the forty-seventieth global objection and respectfully state the following:

1. The members of this group of Plaintiff with number of claims are listed on Exhibit A of this document.
2. As for sections 5 to 16 of the forty-seventieth global objection, we have no responsive allegation.
3. As for section 17 we wish to clarify that Exhibit A of the Department of Health is incorrect, since there are more than 82 plaintiffs in the case of Maggie Acevedo Sepúlveda, *above*, amounting to the total to 154 employees.

4. The complete list of Plaintiffs on the case before the CASP, that were also included on the case before the Supreme Court of Puerto Rico CC-2012-1050 are listed on Exhibit B of this document.
5. As for section 18, it is clarified that not all the plaintiffs are nursing professionals, since the group of plaintiffs is made up of professionals from different professions in the field of health and the group is formed by professionals that work in more than one hospital, both of these aspects are shown on Exhibit B.
6. On the other hand, the dismissals were in fact illegal, as established in case CC-2012-1050 before the Supreme Court of Puerto Rico, judgment of May 28, 2014, and were, as the Motion states, awarded backpay and fringe benefits accrued during the Dismissal Period; but the Dismissal Period hasn't been established, being the most important of the controversies left to resolve on this case.
7. As for section number 19, it must be taken into account that we do not accept the basis used by the Department of Health, this being a core issue that remained unresolved by the CASP before the case was paralyzed by PROMESA, so we strongly reject the amounts proposed by the Department of Health.
8. As stated before, On May 28, 2014 the Supreme Court of Puerto Rico issued a Sentence under case number CC-2012-1050, notified to the parts on May 30, 2014 on which stated that the dismissals were, in fact, unfair, but returned the case to the CASP to calculate the amount to be paid to the plaintiffs.
9. On April 11, 2017 the CASP celebrated a hearing on which both parties submitted the case, thus the only thing pending was the CASP's decision, decision that we strongly believe should be made by the CASP, which is the administrative body specialized in this

type of cases or, on the alternative, the Supreme Court of Puerto Rico should clarify its 2014's decision.

WHEREFORE, the group of plaintiffs under the Maggie Acevedo Sepúlveda et al. V. Department of Health of Puerto Rico respectfully requests that this honorable court deny the FORTY-SEVENTIETH GLOBAL (SUBSTANTIVE) OBJECTION OF THE COMMONWEALTH OF PUERTO RICO AND THE SYSTEM OF WITHDRAWAL OF EMPLOYEES OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO CLAIMS FOR LITIGATION ACEVEDO SEPÚLVEDA on all parts and grant any other remedy deemed just.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all participants of the CM/ECF system including the **Trustee** and **Debtors' counsel**. I also hereby certify that a copy of the instant motion was also served by email to the Trustee and to the Debtor's Counsel, División Legal, Departamento de Salud, namontilla@salud.pr.gov.

Dated: July 20, 2022
Ponce, Puerto Rico

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